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**MAILED**

OCT 04 2011

In re Application of

**OFFICE OF PETITIONS**

Williams

:

Application No. 10/782,968

: ON APPLICATION FOR

Filed: February 20, 2004

: PATENT TERM ADJUSTMENT

Attorney Docket No. W1107/20009

:

Title: CLINICAL ASSAYS FOR  
THROMBOSPONDIN FRAGMENTS IN THE  
DETECTION, DIAGNOSIS, AND  
EVALUATION OF CANCER

:

:

:

This is a decision on the "APPLICATION FOR PATENT TERM ADJUSTMENT RECONSIDERATION UNDER 37 C.F.R. §1.705", filed September 29, 2011 in response to the September 23, 2011 decision. This petition is properly treated under 37 CFR 1.705(b). Applicant submits that the correct patent term adjustment to be indicated is four hundred four (404) days, not two hundred fifty-four (254) days as calculated by the Office as of the mailing of the initial determination of patent term adjustment.

The request for review of the patent term adjustment is **GRANTED**.

The Office has updated the PAIR screen to reflect that the correct Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is three hundred ninety-three (**393**) days. A copy of the updated PAIR screen, showing the correct determination, is enclosed.

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

Applicant contends that the Office communication mailed on September 26, 2006 was improperly considered a notification under 35 USC §132.

Applicant's argument has been considered and deemed persuasive. A review of the record shows that a 674 day, not a 524 day adjustment should have been made for failure by the Office to mail at least one of the notifications under 35 U.S.C. 132 not later than fourteen months after the date the application was filed under 35 USC 1.111(a), pursuant to 37 CFR §1.702(a)(1). A restriction requirement was mailed on February 23, 2007, which is 14 months and 674 days after the application, was filed. The Notice to Comply With Requirements for Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures is not an action under 35 USC 132. As such the 524 adjustment will be removed, and the 674 day adjustment will be entered.

Further review of the record shows that a reduction pursuant to 37 CFR 1.704(b) is required for the submission of the September 27, 2004 response to the June 16, 2004 Notice to File Missing Parts. 37 CFR §1.704(b) provides:

an applicant shall be deemed to have failed to engage in reasonable efforts to conclude processing or examination of an application for the cumulative total of any periods of time in excess of three months that are taken to reply to any notice or action by the Office making any rejection, objection, argument, or other request, measuring such three-month period from the date the notice or action was mailed or given to the applicant, in which case the period of adjustment set forth in §1.703 shall be reduced by the number of days, if any, beginning on the day after the date that is three months after the date of mailing or transmission of the Office communication notifying the applicant of the rejection, objection, argument, or other request and ending on the date the reply was filed.

In this instance, a reduction of 11 days for the submission of reply on September 27, 2004 is warranted. The patent term should have been assessed a reduction of 11 days, the number of days in excess of three months that was taken to reply to the June 16, 2004 the Notice of Missing Parts.

Applicants' delay prior to the mailing of the Notice of Allowance is 312 days (11 + 61 + 93 + 91 + 16 + 40). Office

delay prior to the mailing of the Notice of Allowance is 705 days (674 + 14 + 17).

In view thereof, the correct patent term adjustment at the time of the mailing of the notice of allowance is 393 days.

There is no indication that the petition is signed by a registered patent attorney or patent agent of record. However, in accordance with 37 CFR 1.34, the signature of Mr. Fried appearing on the correspondence shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party in whose behalf he acts.

Any request for reconsideration of the patent term adjustment indicated on the patent must be timely filed within 2 months after issuance pursuant to 37 CFR 1.705(d) and **must** include payment of the required fee under 37 CFR 1.18(e).

The Office of Data Management has been advised of this decision. This matter is being referred to the Office of Data Management for issuance of the patent.

Telephone inquiries specific to this matter should be directed to the undersigned, at (571) 272-3215.

/Charlema Grant/

Charlema Grant  
Attorney Advisor  
Office of Petitions

Enclosure: Copy of REVISED PALM Screen



**Patent Best Available  
Term  
Adjustments**



PTA/PTE Information

Patent Term Adjustment

Patent Term Extension

Application Number\*: 10782968

Search

Explanation of PTA Calculation

Explanation of PTE Calculation

**PTA Calculations for Application: 10782968**

Application Filing Date	02/20/2004	OverLapping Days Between (A and B) or (A and C)	0
Issue Date of Patent		Non-Overlapping USPTO Delays	555
A Delays	555	PTO Manual Adjustment	139
B Delays	0	Applicant Delay (APPL)	301
C Delays	0	Total PTA (days)	393

\* - Sorted Column

**File Contents History**

Action Number	Action Recorded Date	Action Due Date	Action Code	Action Description	Duration PTO	Duration APPL	Parent Action Number
111	10/01/2011		P028	Adjustment of PTA Calculation by PTO	674	0	
110	10/01/2011		P028	Adjustment of PTA Calculation by PTO		524	0
109	10/01/2011		P028	Adjustment of PTA Calculation by PTO		11	0
91	06/24/2011		MN/=.	Mail Notice of Allowance		0	
90	06/21/2011		OAR	Office Action Review		0	
89	06/21/2011		IREV	Issue Revision Completed		0	
88	06/21/2011		DVER	Document Verification		0	
87	06/20/2011		N/=.	Notice of Allowance Data Verification Completed		0	
86	06/20/2011		DOCK	Case Docketed to Examiner in GAU		0	
85	06/20/2011		OAR	Office Action Review		0	
84	06/17/2011		CNTA	Allowability Notice		0	
83	06/09/2011		P574	Paralegal TD Accepted		0	
81	04/26/2011		FWDX	Date Forwarded to Examiner		0	
82	04/25/2011	04/25/2011	DIST	Terminal Disclaimer Filed		80	
80	04/25/2011		A.NE	Amendment after Final Rejection		0	
79	03/04/2011		ELC_RVW	Electronic Review		0	
78	03/04/2011		EML_NTF	Email Notification		0	
77	03/04/2011		MCTFR	Mail Final Rejection (PTOL - 326)		0	
76	02/28/2011		CTFR	Final Rejection		0	
75	01/11/2011		FWDX	Date Forwarded to Examiner		0	
72	12/23/2010		P575	Paralegal TD Not accepted		0	
74	11/18/2010	10/09/2010	A...	Response after Non-Final Action	40	68	
73	11/18/2010		XT/G	Request for Extension of Time - Granted		0	
71	11/18/2010		DIST	Terminal Disclaimer Filed		0	
70	07/09/2010		ELC_RVW	Electronic Review		0	
69	07/09/2010		EML_NTF	Email Notification		0	
68	07/09/2010		MCTNF	Mail Non-Final Rejection		0	
67	07/06/2010		CTNF	Non-Final Rejection		0	
66	05/11/2010		FWDX	Date Forwarded to Examiner		0	
65	05/06/2010	04/20/2010	A.NE	Amendment after Final Rejection	16	63	
64	05/06/2010		XT/G	Request for Extension of Time - Granted		0	
63	01/20/2010	01/03/2010	MCTFR	Mail Final Rejection (PTOL - 326)	17	58	
62	01/16/2010		CTFR	Final Rejection		0	
59	10/19/2009		FWDX	Date Forwarded to Examiner		0	
58	09/03/2009	06/04/2009	A...	Response after Non-Final Action	91	55	
57	09/03/2009		XT/G	Request for Extension of Time - Granted		0	
61	08/10/2009		IDSC	Information Disclosure Statement considered		0	
60	08/10/2009		EIDS.	Electronic Information Disclosure Statement		0	
56	08/10/2009		WIDS	Information Disclosure Statement (IDS) Filed		0	
55	03/04/2009		MCTNF	Mail Non-Final Rejection		0	
54	03/02/2009		CTNF	Non-Final Rejection		0	
53	01/05/2009		FWDX	Date Forwarded to Examiner		0	
52	12/05/2008		ELC.	Response to Election / Restriction Filed		0	
51	12/05/2008		XT/G	Request for Extension of Time - Granted		0	
50	09/05/2008		MCTRS	Mail Restriction Requirement		0	
49	09/02/2008		CTRS	Restriction/Election Requirement		0	
47	06/30/2008		FWDX	Date Forwarded to Examiner		0	
46	06/08/2008	03/07/2008	A...	Response after Non-Final Action	93	42	
45	06/08/2008		XT/G	Request for Extension of Time - Granted		0	
48	12/26/2007		IDSC	Information Disclosure Statement considered		0	
44	12/26/2007		EIDS.	Electronic Information Disclosure Statement		0	
43	12/26/2007		WIDS	Information Disclosure Statement (IDS) Filed		0	
42	12/07/2007	11/23/2007	MCTNF	Mail Non-Final Rejection	14	38	
41	10/22/2007		CADB	Correspondence Address Change		0	
40	10/15/2007		CTNF	Non-Final Rejection		0	
39	07/31/2007		FWDX	Date Forwarded to Examiner		0	
38	07/23/2007	05/23/2007	ELC.	Response to Election / Restriction Filed	61	35	
37	07/23/2007		XT/G	Request for Extension of Time - Granted		0	
35	02/23/2007		MCTRS	Mail Restriction Requirement		0	
34	02/20/2007		CTRS	Restriction/Election Requirement		0	
29	12/15/2006		FWDX	Date Forwarded to Examiner		0	
33	12/13/2006		LET.	Miscellaneous Incoming Letter		0	
24	12/12/2006		CRFE	CRF Is Good Technically / Entered into Database		0	
32	12/04/2006		CRFL	CRF Disk Has Been Received by Preexam / Group / PCT		0	
30	12/04/2006		LET.	Miscellaneous Incoming Letter		0	
28	12/04/2006		A...	Response after Non-Final Action		0	
27	12/04/2006		XT/G	Request for Extension of Time - Granted		0	
23	09/26/2006	04/20/2005	MCTMS	Mail Miscellaneous Communication to Applicant	524	0.5	
22	09/21/2006		CTMC	Miscellaneous Action with CCO		0	

20	08/04/2005	WIDS	Information Disclosure Statement (IDS) Filed	0
19	06/28/2005	DOCK	Case Docketed to Examiner in GAU	0
18	12/21/2004	TSSCOMP	IFW TSS Processing by Tech Center Complete	0
16	12/21/2004	DOCK	Case Docketed to Examiner in GAU	0
15	12/13/2004	WROIPE	Application Return from OIPE	0
14	12/13/2004	ROIPE	Application Return TO OIPE	0
13	12/13/2004	OIPE	Application Dispatched from OIPE	0
12	12/13/2004	COMP	Application Is Now Complete	0
10	12/02/2004	CRFE	CRF Is Good Technically / Entered into Database	0
11	10/04/2004	SEQLIST	A set of symbols and procedures, provided to the PTO on a set of computer listings, that describe in	0
9	10/04/2004	ADDFLFEE	Additional Application Filing Fees	0
8	10/04/2004	OATHDECL	A statement by one or more inventors satisfying the requirement under 35 USC 115, Oath of the Applic	0
17	09/27/2004	A.PE	Preliminary Amendment	0
5	04/02/2004	L128	Cleared by L&R (LARS)	0
4	03/26/2004	L198	Referred to Level 2 (LARS) by OIPE CSR	0
3	03/26/2004	CLSS	CASE CLASSIFIED BY OIPE	0
2	03/17/2004	SCAN	IFW Scan & PACR Auto Security Review	0
1	02/20/2004	IEXX	Initial Exam Team nn	0
0.5	02/20/2004	EFILE	Filing date	0

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